

REMARKS/ARGUMENTS

This is a Response to the Office Action mailed December 17, 2003, in which a three (3) month Shortened Statutory Period for Response has been set, due to expire March 17, 2004. Thirty-eight (38) claims, including six (6) independent claims, were paid for in the application. Claims 1, 14, 15, 28, 32-34, 37 and 38 have been canceled. Claims 2-13, 16-27, 29-31 and 35 have been amended. No new matter has been added to the application. No fee for additional claims is due by way of this Amendment. The Commissioner is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090. Claims 2-13, 16-27, 29-31, 35 and 36 are pending.

Objections

The drawings were objected to under 37 CFR 1.83(a) for failing to show every feature of the invention specified in the claims. Drawings – Figures 1 and 2 have been amended to reflect an imager contained in the chip tray 22, and two (2) sheet of drawings is presented herewith for approval. Support is found in the specification at page 7, lines 9-15, and in the applicants' prior applications and patents recited at page 4, lines 14-26, and incorporated by reference at page 24, lines 4-7.

Claims 4 and 30 were objected to because of informalities which are corrected by the amendments above.

Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 5-7 were rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for collecting win/loss statistics for the primary player, purportedly does not reasonably provide enablement for determining the odds of the primary player winning or losing based on these statistics.

While the Examiner is correct in one sense that the odds are determined by the game itself, the odds that the Examiner is referring to are the theoretical odds of the game, which assumes perfect play by the player according to a defined strategy. In blackjack, perfect play allows the player to reach the theoretical odds of the game, however, very few players, if any, are

capable of playing perfectly (*i.e.*, making the correct hit or stay decision given the make up of the player's own hand, the dealer's up card, and/or the other cards which are visible to the player such as other cards in other players' hands). Thus, there are actual odds that take into account the player's own skill or ability. These actual odds will at most approach the theoretical odds for any given player. It is these actual odds, rather than the theoretical odds, on which the secondary player will wish to consider, since the secondary player is basing their wager on the skill level of the primary player.

35 U.S.C. §102(e)/103 Rejections

Claims 1-4, 8, 9, 11-15, 18, 20-23, 25-29, 31, 32, 35 and 37 were rejected under 35 U.S.C. §102(b) as being anticipated by Karmarkar (U.S. Patent No. 6,508,709).

Claims 5-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Karmarkar as applied to claim 1 and further in view of Corkin, Jr. in view of (U.S. Patent No. 4,031,376).

Applicants' disclose methods and systems allowing wagering using handheld wireless communications devices. Such devices permit a player to place a wager even when all positions at a gaming table are occupied, or when remotely located with respect to the gaming table. The methods and system typically employ a handheld wireless communications device operated by the player, a gaming processor to capture gaming activity at the table, a host computing system located in a secure area to process wagering and gaming information, and a server to couple the handheld wireless communications device, gaming processor and host computing system. The server may function as a firewall between the floor and the back office functions, providing an exceptionally high level of security.

U.S. Patent No. 6,508,709 (hereinafter Karmarkar) is generally directed to a virtual distributed multimedia gaming method and system based on actual regulated casino games. In particular, in one aspect Karmarkar discloses transmitting synthesized images of live gaming to remote wagering stations. *Karmarkar*, Abstract, col. 6, lines 11-22, col. 10, lines 48-52, col. 12, lines 54-59; col. 13, lines 5-14. In other aspect, Karmarkar discloses transmitting synthesized images of recorded gaming to remote wagering stations, where the recorded games

are randomly selected. *Karmarkar*, Abstract, col. 6, lines 11-22, col 9, line 66-col. 10, line 7, col. 10, lines 48-52, col. 12, lines 54-59; col. 13, lines 5-14. Karmarkar also discloses a simplified form of wagering where a remotely located player may use the remote wagering station to remotely place wagers on the outcome of wagers placed by players in the actual game. Abstract, col. 18, line 58-col. 20, line 17, col. 21, lines 14-20. The remote wagering stations accessible by players are tamperproof, rugged, spill-proof, alarmed safe-like enclosures. *Karmarkar*, col. 8, lines 18-20, and lines 30-33. The processing of the wagers appears to take place at the remote wagering stations. *Karmarkar*, Figures 15 and 1C, which are physically accessible by the players and other unauthorized personnel.

Turning to the specific claim language, claim 2 recites, *inter alia*, “transmitting primary wager information to a host computing system located in a secure area;” “receiving a secondary wager placed by a secondary player via a handheld wireless communications device, the secondary wager regarding an outcome of the primary wager of the primary player” “transmitting secondary wager information to the host computing system” “determining the outcome of the primary wager at the host computing system based on the determined outcome of the gaming event; and” “determining the outcome of the secondary wager at the host computing system based on the determined outcome of the primary wager.” Karmarkar teaches the use of fixed wager stations, and does not disclose use of handheld wireless communications devices for placing secondary wagers.

Claim 21 recites, *inter alia*, “receiving primary wager information at a secure host computing system, the primary wager information regarding a primary wager placed by a primary player regarding an outcome of a gaming event;” “receiving secondary wager information at the secure host computing system from a wireless handheld communications device, the secondary wager information regarding a secondary wager placed by a secondary player regarding an outcome of the primary wager of the primary player, wherein the secure host computing system is located in a limited access area closed to the players;” “determining the outcome of the primary wager at the host computing system based on the determined outcome of the gaming event; and” “determining the outcome of the secondary wager at the host computing system based on the determined outcome of the primary wager.” Karmarkar teaches the use of fixed

wager stations, and does not disclose use of handheld wireless communications devices for placing secondary wagers.

Claim 29 recites, *inter alia*, “receiving primary wager information at a host computing system located in a secure area, the primary wager information regarding a primary wager placed by a primary player regarding an outcome of a gaming event;” “receiving secondary wager information at the host computing system via a handheld wireless communications device, the secondary wager information regarding a secondary wager placed by a secondary player regarding an outcome of the primary wager of the primary player;” “determining the outcome of the primary wager at the host computing system based on the determined outcome of the gaming event; and” “determining the outcome of the secondary wager at the host computing system based on the determined outcome of the primary wager.” Karmarkar teaches the use of fixed wager stations, and does not disclose use of handheld wireless communications devices for placing secondary wagers.

Conclusion

Overall, the cited references do not singly, or in any motivated combination, teach or suggest the claimed features of the embodiments recited in independent claims 2, 21, 29 and 35, and thus such claims are allowable. Because the remaining claims depend from allowable independent claims 2, 21, 29 and 35, and also because they include additional limitations, such claims are likewise allowable. If the undersigned attorney has overlooked a relevant teaching in any of the references, the Examiner is requested to point out specifically where such teaching may be found.

In light of the above amendments and remarks, Applicants respectfully submit that all pending claims are allowable. Applicants, therefore, respectfully request that the Examiner reconsider this application and timely allow all pending claims. The Examiner is encouraged to contact Mr. Abramonte by telephone to discuss the above and any other

distinctions between the claims and the applied references, if desired. If the Examiner notes any informalities in the claims, he is encouraged to contact Mr. Abramonte by telephone to expediently correct such informalities.

Respectfully submitted,

Seed Intellectual Property Law Group PLLC

A handwritten signature in black ink, appearing to read 'Frank Abramonte', is written over a horizontal line.

Frank Abramonte

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FXA:ljs

Enclosures:

Postcard

2 Sheets Annotated Drawings (Figs. 1-2)

2 Sheets Replacement Drawings (Figs. 1-2)

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"Annotated Sheet Showing Change(s)"

Title: METHOD, APPARATUS AND ARTICLE FOR HIERARCHICAL WAGERING
Inventors: Richard Soltys et al. Express Mail No. EL897856413US Docket No. 120109.404

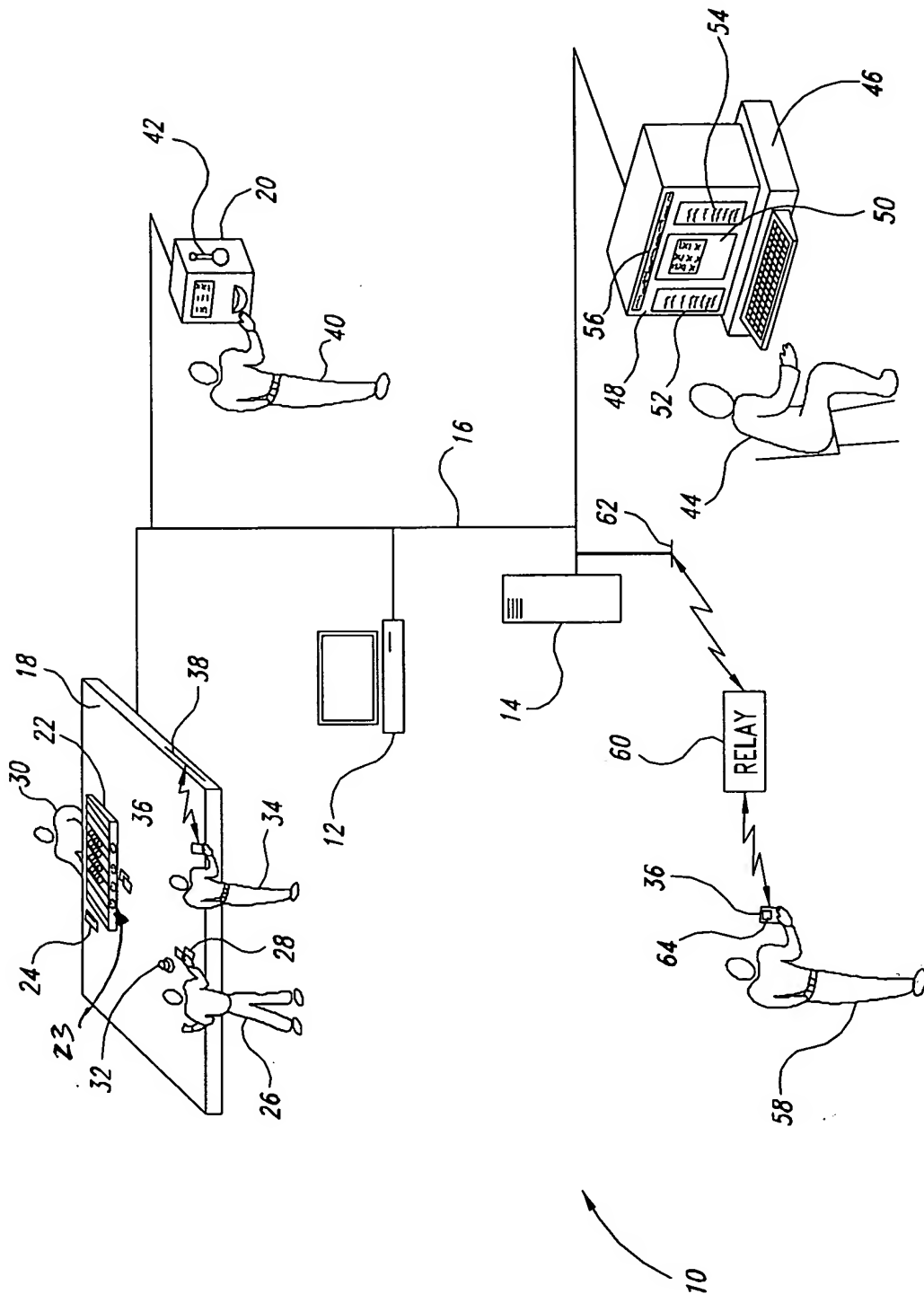


Fig. 1

Title: METHOD, APPARATUS AND ARTICLE FOR HIERARCHICAL WAGERING
Inventors: Richard Soltys et al. Express Mail No. EL897856413US Docket No. 120109.404

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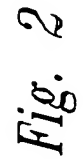


Fig. 2